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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,907	12/19/2001	Terence D. Pickett	P05242US0	5161
34082	7590	01/18/2005	EXAMINER	
ZARLEY LAW FIRM P.L.C. CAPITAL SQUARE 400 LOCUST, SUITE 200 DES MOINES, IA 50309-2350			EDWARDS JR, TIMOTHY	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/024,907

Applicant(s)

PICKETT, TERENCE D.

Examiner

Timothy Edwards, Jr.

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed January 6, 2005 have been fully considered but they are not persuasive. As set forth in Examiner's Response.

#### **Applicant's Argument:**

I) With regard to claims 1 and 5, cited reference Janzen et al '614 does not anticipate the present application. Janzen does not recite, "analyzing the soil sample in a lab on the robot platform".

#### **Examiner's Response:**

With regard to part (I) above, Examiner directs applicant's attention to col 3, lines 30-35. Janzen discloses communicating parameters (200) from a plurality of sources, one of which is a agricultural machine (104). Janzen discloses in col 4, lines 39-50, one of the parameters (200) is a soil data parameter (304), which provides data on soil condition at desired locations throughout the agricultural field (108). Janzen also recites "the agricultural machine may be equipped to sample the soil as it traverses the field (108) for other purposes. Soil data would then be communicated back to the first control system (202) by the communication system (214)." Examiner interprets this language to imply the Janzen soil data parameter (304), which provides data on soil condition would have some means of analyzing the soil in order to determine the soil's condition. Janzen discloses the parameters (200) may be communicated from an agricultural machine and

the agricultural machine may be equipped to sample the soil. Therefore, the examiner is of the opinion the Janzen reference anticipates the present application and includes each element and limitation of the claims of the present application.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Janzen et al '614.

Considering claim 1, Janzen discloses a computer-aided farming system and method comprising, a) moving an agricultural machine over the soil (see col 4, lines 16-24); b-e) taking a soil sample on the agricultural machine; analyzing the soil sample on the agricultural machine; generating data from the soil analysis and transmitting the data to a remote location (see col 4, lines 39-50)

Considering claim 2, Janzen discloses the limitation of this claim in col 4, lines 1-22.

Considering claims 3,4,7, Janzen discloses the limitation of these claims in col 4, lines 19-22.

Considering claim 5, the limitations of this claim are interpreted and rejected as stated in claim 1.

Considering claim 6 the limitation of this claim is interpreted and rejected as stated in claim 2.

Considering claim 8, Janzen discloses the limitation of this claim in col 3, lines 62-67 and col 4, lines 19-22.

Considering claim 9, Janzen discloses the limitation of this claim in col 4, lines 39-42.

Considering claim 10, Janzen discloses the limitation of this claim in col 3, lines 62-67.

Considering claim 11, Janzen discloses the limitation of this claim in col 4, lines 19-22.

Considering claim 12, Janzen discloses the limitation of this claim in col 4, lines 46-48.

Considering claim 13, Janzen discloses the limitation of this claim in col 4, lines 48-50.

Considering claim 14, Janzen discloses the limitation of this claim in col 3, lines 46-50.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (571) 272-3067. The examiner can normally be reached on Tuesday-Friday, 8:00 a.m.-6:00 p.m. The examiner cannot be reached on Mondays.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (571) 272-3068.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Art Unit: 2635

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or fax to:

(703), 872-9314 (for formal communications intended for entry)

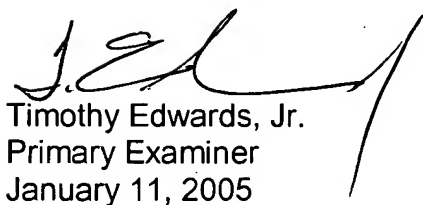
Or:

(for informal or draft communications, please label "PROPOSED"

or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA, Sixth Floor, (Receptionist).

  
Timothy Edwards, Jr.  
Primary Examiner  
January 11, 2005